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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION
15

16 NETLIST, INC.,
17 Plaintiff,
18 vs.
19 GOOGLE, INC.,
20 Defendant.
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CASE NO. C-09-05718 SBA
[Related to CASE NO C-08-04144 SBA.]
**ADMINISTRATIVE MOTION TO
REMOVE INCORRECTLY FILED JOINT
LETTER REGARDING DISCOVERY
DISPUTE**

1 Plaintiff Netlist Inc. (“Netlist”) hereby requests that the Letter from Plaintiff and
2 Defendant (Joint) re: Discovery Dispute (Document No. 51) (hereinafter the “Joint Letter”), filed
3 by Netlist on August 19, 2010 be removed from the CM/ECF system and case file.

4 The parties have engaged in an ongoing discovery dispute regarding Google’s Responses
5 and Objections to Netlist’s Requests for Admissions, Interrogatories, and Requests for
6 Production. After several rounds of “meet and confer” attempts, Netlist decided that judicial
7 intervention would be necessary to resolve the dispute and the parties initiated the process to
8 draft a joint letter to Magistrate Judge Spero pursuant to Paragraph B.8 of Judge Spero’s
9 Standing Order. Declaration of Steven R. Hansen (“Hansen Decl.”) ¶ 2.

10 On August 17, 2010, Netlist provided its portion of the Joint letter to Google’s counsel,
11 containing citations to “Exhibit B”, Google’s Second Amended Responses and Objections to
12 Netlist’s First Set of Interrogatories. Google’s counsel provided the final draft of the Joint Letter
13 to Netlist’s counsel on August 18, 2010 and authorized Netlist to file the Joint Letter. On August
14 18, 2010 Netlist’s counsel filed the Joint Letter. Hansen Decl. ¶ 3.

15 The Joint Letter inadvertently contained information purportedly designated as
16 “Confidential-Attorney’s Eyes Only” by Google pursuant to the parties’ Stipulated Protective
17 Order entered on July 6, 2010 (Document No. 47). On August 19, 2010, Google’s counsel met
18 and conferred with Netlist’s counsel and requested that, because Netlist initiated the e-filing on
19 the CM/ECF system, Netlist take steps to remove the document from the record. Hansen Decl. ¶
20 4.

21 Google contends that “Exhibit “B” to the Joint Letter was designated “Confidential-
22 Attorney’s Eyes Only”. The “Confidential-Attorney’s Eyes Only” label appears in 10 point font
23 in the footer of the amended responses only (not Google’s original responses) – and was
24 inadvertently overlooked. Hansen Decl. ¶ 5.

25 For the foregoing reasons, Netlist respectfully requests that the Joint Letter be removed
26 from the CM/ECF system and case file so that the Joint Letter may be re-filed without the
27 “Confidential-Attorney’s Eyes Only” information.

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Dated: August 19, 2010

LEE TRAN & LIANG, APLC
Steven R. Hansen
Edward S. Quon

By: /s/ Steven R. Hansen
Steven R. Hansen
Attorneys for Defendant and Counterclaimant
NETLIST, INC.